

16 August 2001 060801#3

Rec'd PCT/PTO 16 AUG 2001

FORM PTO-1390  
(REV. 11-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY OR AGENT NUMBER

3220-68450

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

09/857,307

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

INTERNATIONAL APPLICATION NO.

PCT/US99/28300

INTERNATIONAL FILING DATE

01 December 1999

PRIORITY DATE CLAIMED

01 December 1998

TITLE OF INVENTION

METHOD FOR VOCAL CORD RECONSTRUCTION

APPLICANT(S) FOR DO/EO/US

BADYLAK, Steven R.; SPIEVACK, Alan R.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). **(1 Counterpart Declaration signed by Alan R. SPIEVACK)**
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:
  - a. **Copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)**
  - b. **Copy of Notification of a Defective Oath or Declaration**
  - c. **Response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)**

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

09/857,307

INTERNATIONAL APPLICATION NO.

PCT/US99/28300

ATTORNEY'S DOCKET NUMBER

3220-68450

2 ~~XXX~~ The following fees are submitted:**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):**

Neither international preliminary examination fee (37 CFR 1.482)

nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO

and International Search Report not prepared by the EPO or JPO ..... \$1000.00

International preliminary examination fee (37 CFR 1.482) not paid to

USPTO but International Search Report prepared by the EPO or JPO ..... \$860.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO

but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$710.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO

but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$690.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO

and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

CALCULATIONS PTO USE ONLY

\$

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☒ 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

\$

130.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$
Total claims	- 20 =		x \$18.00	\$
Independent claims	- 3 =		x \$80.00	\$

MULTIPLE DEPENDENT CLAIM(S) (if applicable) + \$270.00 \$

**TOTAL OF ABOVE CALCULATIONS =** \$☐ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. + \$**SUBTOTAL =** \$Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492(f)). \$**TOTAL NATIONAL FEE =** \$

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property + \$

**TOTAL FEES ENCLOSED =** \$ 130.00

08/21/2001 HKAYPAGH 00000021 09857307

01 FC:154

130.00 0P

Amount to be refunded: \$

charged: \$

- a. ☒ A check in the amount of \$ 130.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 10-0435. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

**LAMMERT, Steven R.**  
**BARNES & THORNBURG**  
 11 South Meridian Street  
 Indianapolis, IN 46204  
 US

SIGNATURE

**Steven R. Lammert**

NAME

**27653**

REGISTRATION NUMBER

Rec'd PCT/PTO 16 AUG 2001

09/857307

#3

Express Mail No.: EL2300 85US

Mailed: 16 AUG 2001 (16.08.01)

BARNES & THORNBURG

11 South Meridian Street  
Indianapolis, Indiana 46204  
(317) 236-1313

PATENT APPLICATION

*IN THE UNITED STATES PATENT AND TRADEMARK OFFICE*

Group:	Unknown	}
Attorney		}
Docket:	3220-68450	}
Applicant:	BADYLAK, Steven F.; SPIEVACK, Alan R.	}
Invention:	METHOD FOR VOCAL CORD RECONSTRUCTION	}
U.S. Serial No:	09/857,307	}
International Serial No:	PCT/US99/28300	}
International Filing Date:	01 December 1999 (01.12.99)	}
Earliest Priority Date:	01 December 1998 (01.12.98)	}
Examiner:	Unknown	}

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER  
35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED  
OFFICE (DO/EO/US)

Attention: DO/EO/US  
Box PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

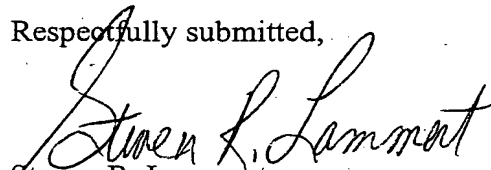
In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) and the attached Notification of a Defective Oath or Declaration mailed 05 July 2001 (05.07.01), applicants submit herewith:

1. an original counterpart Declaration and Power of Attorney--Patent Application signed by Alan R. --SPIEVACK-- to replace the counterpart Declaration containing a typographical error in the printed name of the second inventor and signed by Alan R. SPIEVACK on 17 December 1999 (17.12.99) and transmitted to the DO/EO/US on 31 May 2001 (31.05.01);
2. copies of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) and Notification of a Defective Oath or Declaration; and
3. Check No. 302764 in the amount of \$130.00 for the surcharge for furnishing a correct counterpart executed oath or declaration later than 30 months from the earliest claimed priority date.

The name of the second inventor Alan R. **SPIEVACK** on the signed counterpart Declaration now matches and is spelled the same on the Declaration and on the International application.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 10-0435. A duplicate of this Response is enclosed.

Respectfully submitted,

  
Steven R. Lammert,  
Atty. Reg. No. 27653  
Attorney for Applicants

Attachments: Original Executed Counterpart Declaration and Power of Attorney--  
Patent Application from Alan R. SPIEVACK  
Copies of Notification of Missing Requirements Under 35 U.S.C. 371 in the  
United States Designated/Elected Office (DO/EO/US) and Notification of a  
Defective Oath or Declaration  
Check in the Amount of \$130.00 for Surcharge  
Copy of Response to Notification of Missing Requirements

SRL/mje/28082  
Indianapolis, Indiana 46204  
(317) 231-7285